

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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NICOLE COLCHETE,

Plaintiff,

v.

PIONEER ACADEMICS PBC,

Defendant.

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CIVIL ACTION

ARBITRATION-ELIGIBLE

JURY TRIAL DEMANDED

**COMPLAINT**

Nicole Colchete (“Plaintiff”) brings this lawsuit against Pioneer Academics PBC (“Defendant”), seeking all available relief under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. §§ 201, *et seq.*, and the Pennsylvania Minimum Wage Act (“PMWA”), 43 P.S. §§ 333.101, *et seq.*

**JURISDICTION AND VENUE**

1. Jurisdiction over the FLSA claim is proper under 29 U.S.C. § 216(b) and 28 U.S.C. § 1331.
2. Jurisdiction over the PMWA claim is proper under 28 U.S.C. § 1367.
3. Venue in this Court is proper under 28 U.S.C. § 1391.

**PARTIES**

4. Plaintiff resides in Philadelphia, PA (Philadelphia County).
5. Defendant is a corporate entity headquartered in Philadelphia, PA (Philadelphia County).
6. Plaintiff is an employee covered by the FLSA and PMWA.
7. Defendant is an employer covered by the FLSA and PMWA.

**FACTS**

8. Plaintiff worked for Defendant in Philadelphia from approximately March 2018 until approximately February 2019.

9. Defendant paid Plaintiff an annual salary of approximately \$36,500.

10. Defendant required Plaintiff to work long hours. Specifically, Plaintiff regularly worked over 60 hours per week and sometimes worked over 70 hours per week.

11. Defendant did not pay plaintiff any overtime premium pay for hours worked over 40 per week.

**COUNT I**  
**(Alleging FLSA Violations)**

12. The FLSA requires that employees receive overtime premium compensation “not less than one and one-half times” their regular pay rate for hours worked over 40 per week. *See* 29 U.S.C. § 207(a)(1).

13. Defendants violated the FLSA by failing to pay Plaintiff overtime premium compensation for hours worked over 40 per week.

14. In violating the FLSA, Defendants acted willfully and with reckless disregard of clearly applicable FLSA provisions and, as such, willfully violated the FLSA.

**COUNT II**  
**(Alleging PMWA Violations)**

15. The PMWA requires that employees receive overtime premium compensation “not less than one and one-half times” the employee’s regular pay rate for hours worked over 40 per week. *See* 43 P.S. § 333.104(c).

16. Defendants violated the PMWA by failing to pay Plaintiff overtime premium compensation for all hours worked over 40 per week.

**JURY DEMAND**

Plaintiff demands a jury trial.

**PRAYER FOR RELIEF**

Plaintiff seeks the following relief:

- A. Unpaid overtime wages and prejudgment interest;
- B. Liquidated damages to the fullest extent permitted under the FLSA;
- C. Litigation costs, expenses, and attorneys' fees; and
- D. Such other and further relief as the Court deems just and proper.

Date: September 14, 2020

Respectfully,

/s/ Peter Winebrake  
Peter Winebrake  
Winebrake & Santillo, LLC  
715 Twining Road, Suite 211  
Dresher, PA 19025  
(215) 884-2491

*Plaintiff's Counsel*